

81-627

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29 JUN 1981

MEMORANDUM FOR:

OGC

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THROUGH

Director of Information Services

FROM:

Deputy Chief, Information and Privacy Division

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SUBJECT:

Comments on Draft Analysis of Proposed Changes
to Executive Order 12065

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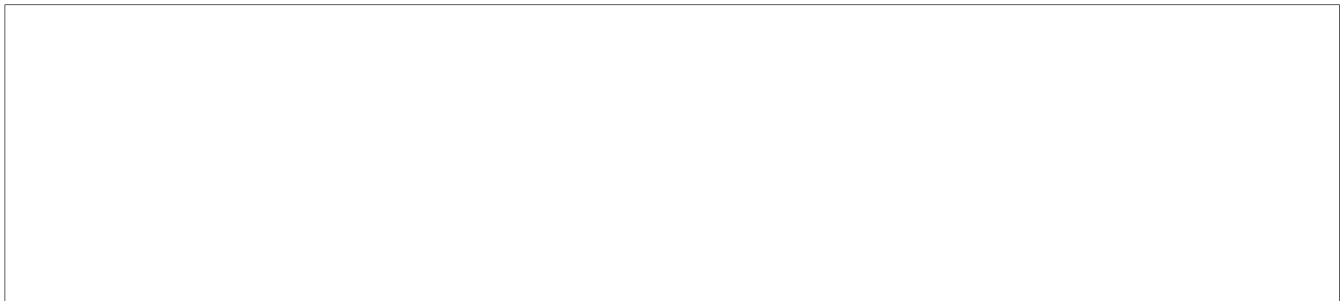
2. One of our biggest headaches with Executive Order 12065 and its predecessor, Executive Order 11652, has been the provision for historical researcher access to classified information. I believe that certain other agencies share this concern. I would propose deleting this when E.O. 12065 is revised. As far as access for former Presidential appointees is concerned, we have had no great experience with this aspect of the order other than requests from two former ambassadors. Accordingly, I have no opinion, one way or the other, on whether this provision should also be dropped.

3. I find the language, as proposed, in 3-503 somewhat ambiguous. What is meant by, "[T]hese procedures shall be authorized for use by the Archivist of the United States and may, upon approval of the issuing authority, be used by any agency having custody of the information"? This sounds more like declassification guidelines than it does procedures. Why would another agency utilize procedures developed by the CIA for processing requests for CIA records? One thing is certain, we do not want any other agency to infer that it is authorized to act unilaterally on documents or information originated and classified by the CIA.

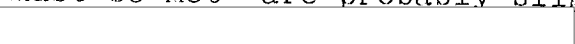
4. In line with the above concern, it might be appropriate to augment the language of 3-504 to make it clear that, not only NARS, but any other agency that locates classified information

originated by another agency in the course of processing a mandatory review request is required to refer it to the originator for review and direct response.

5. E.O. 12065, 3-503, currently governs mandatory review requests involving what could be loosely described as White House papers. Is that provision going to be dropped altogether? If so, what agency will be responsible for determining whether such documents can be declassified, in whole or in part? The NSC?

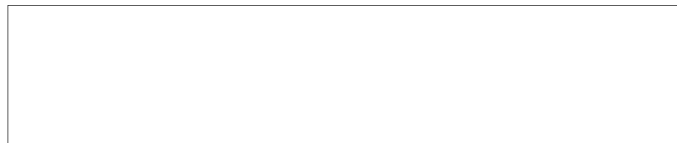


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7. With respect to the proposed 1-607, which pertains to restoring classification to documents already declassified and officially released to the public, I might observe that the chances of recovering such documents--one of the criteria which must be met--are probably slight, at best. Can you picture a  cooperating with us in such a situation? This would not help us a bit on the nuclear proliferation memo.

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